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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,627	01/14/2004	Paul Wouters	GN03004	5779
21013	7590	05/26/2006	EXAMINER	
AGFA CORPORATION LAW & PATENT DEPARTMENT 200 BALLARDVALE STREET WILMINGTON, MA 01887			HSIEH, SHIH WEN	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

4A

# Office Action Summary

Application No.

10/757,627

Applicant(s)

WOUTERS, PAUL

Examiner

Shih-wen Hsieh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-27-06</u> . | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

***Claim Objections***

1. Claim 2 is objected to because of the following informalities:

Lines 2-3, suggesting changing "the wiper blade is clamped by the wiper blade holder" into "the wiper blade is clamped by the clamping block" so as to be in a same recitation as that in claim 6. Claim 5 would suggest the same change.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurata et al. (US Pat. No. 5,552,811).

In regard to:

Claim 1:

Kida et al. teach:

Wiper assembly (70, figs. 1 and 2) for wiping print head (2, figs. 1 and 2) with a nozzle plate (22, fig. 1) in an inkjet printing system, the wiper assembly comprising:

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at least one wiper blade (70, figs. 1 and 2);

a rigid blade holder (72, figs. 1 and 2) for supporting the wiper blade;

at least one rigid clamping block (2B, fig. 2) extending a length of the wiper blade for clamping and securing the wiper blade between the blade holder and the clamping block, refer to col. 6, line 43 to col. 7, line 11. Note: Kurata et al. called numeral 72 as a fixing board, which acts in combination with holder 71 to "pinch" the cleaning member 70, which is a wiper. The Kurata et al.'s fixing board corresponds to the clamping block in the instant application, and "pinch" corresponds to clamping.

Claim 9:

Kurata et al. further teach:

wherein the clamping block is secured to the blade holder using screws (73, figs. 1 and 2), thus clamping and securing the wiper blade between the blade holder and the clamping block, refer to col. 7, lines 9-11.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2-4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata et al.

In regard to:

Claim 2:

The device of Kurata et al. DIFFERS from claim 2 in that it does not teach:

wherein a depth over which the wiper blade is clamped by the wiper blade holder is at least 20% of a wiper blade height.

Reference is made to Kurata et al.'s fig. 2, the depth that the fixing board covers the cleaning member (70, corresponds to a wiper blade) is roughly half of the length of the cleaning member (70).

Claim 3:

The device of Kurata et al. DIFFERS from claim 3 in that it does not teach:

wherein the length of the wiper blade is larger than a nozzle plate length.

Reference is made to Kurata et al.'s figs. 5 and 6, in these drawings, the length of the wiper blade can be seen as larger than the nozzle plate length.

Claim 4:

The device of Kurata et al. DIFFERS from claim 4 in that it does not teach:

wherein the wiper blade holder and the clamping block are made of a metal or rigid plastic.

Metal and plastic are the most common materials used for blade holder and the fixing member, refer to MPEP 2144.07.

Claim 6:

The device of Kurata et al. DIFFERS from claim 6 in that it does not teach:  
at least two wiper blades clamped by a common clamping block.

So long as to take the fixing member (71) as the clamping block, then it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device of Kida et al. to install two wiper blades instead of one, since it has been held that mere duplication (i.e., install two wipers in the same holder) of an essential working parts (in this case, the wiper) of a device (in this case, the ink jet recording apparatus) involves only routine skill in the art, refer to MPEP 2144.04 VI B.

Claim 8:

The device of Kurata et al. DIFFERS from claim 8 in that it does not teach:  
wherein the assembly forms an integral replaceable module.

Wiper is a consumable item, when wear situation occurs to a wiper, the wiper has then to be replaced. Also reference is made to Kurata et al.'s figs. 1-3, the whole module (including the cleaning member 70, the holder 71 and the fixing member 72) can be dismounted from a bracket-like mounting structure shown in fig. 3.

### ***Allowable Subject Matter***

6. Claims 5 and 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

In regard to:

Claim 5:

The primary reason for the allowance of claim 5 is the inclusion of the limitation of at least 2 wiper blades which are clamped separately by said wiper blade holder. It is this limitation found in this claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claim 7:

The primary reason for the allowance of claim 7 is the inclusion of the limitation of wherein at least one wiper blade has a protruding heel. It is this limitation found in this claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,106,099, "Print head wiper for ink-jet printer" issued to Mou et al., 8/2000 teach a wiper (20, figs. 4 and 5) having at it lower part a protruding portion. However,

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the shape of the wiper (L-shape with a groove 24 at its base 22) will not fit the holder structure taught by Kurata et al.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Response to Arguments***

10. Applicant's arguments filed on March 29, 2006 have been fully considered but they are not persuasive.

Applicant's argument in page 7 that "claim 1 recites both a blade holder 2 and a clamping block 4 which both extend the length of the wiper blade 1 (see fig. 5)" is



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respectfully disagreed. First, claim 1 recites: "at least one rigid clamping block extending a length of the wiper blade for clamping and securing the wiper blade between the blade holder and the clamping block". In this recitation only the "one rigid clamping block" is extending a length of the wiper blade for clamping and securing the wiper blade between the blade holder and the clamping block. Not both.

As to fig. 5, please be advised that features in the specification to which Applicant refers to are not recited in the rejected claim(s). although the claims are interpreted in light of the specification, limitations from the specification (such as fig. 5) are not read into the claims, See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.


Reference US 5,552,811 has been used in this office action. The features shown in fig. 2 is believed to read on at least claim 1 of the instant application.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 7:30AM -5:00PM.

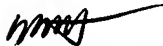
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on 571-272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SHIH-WEN HSIEH  
PRIMARY EXAMINER  
  
Shih-wen Hsieh  
Primary Examiner  
Art Unit 2861

SWH

  
May 24, 2006